

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS ANDRES PADILLA DE LA VEGA,

Defendant.

No. 2:95-cr-235-WBS

ORDER

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Defendant Jesus Andres Padilla De La Vega has filed a motion to reconsider the court's denial of his Emergency Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A).

(Docket Nos. 356, 357.) The court denied the motion based on the failure to exhaust administrative remedies with the Bureau of Prisons. Defendant now attaches an "Inmate Grievance" form in which he requests compassionate relief due to COVID-19, which he purportedly submitted to prison officials on June 9, 2020.

The court assumes, but does not decide, that the Inmate Grievance form properly exhausted defendant's administrative

1 remedies. Nevertheless, the court does not find that the current
2 COVID-19 pandemic, in combination with defendant's age and
3 claimed past medical condition of "prostatic cancer", constitute
4 extraordinary and compelling reasons for release under 18 U.S.C.
5 § 3582(c)(1)(A) and U.S.S.G. § 1B1.13. See, e.g., United States
6 v. Williams, No. 2:13-cr-383 TLN, 2020 WL 3402439, *2 (E.D. Cal.
7 June 19, 2020) (defendant's confinement at federal prison with
8 numerous cases of coronavirus and diagnosis of hypertension,
9 along with other medical history, was insufficient to show
10 extraordinary circumstances under 18 U.S.C. § 3582(c)(1)(A)).
11 Here, defendant has provided no documentation of his past or
12 current medical condition, and the court can only assume that any
13 condition he may have is being properly treated by the Bureau of
14 Prisons. Moreover, the court cannot find that the general risk
15 to federal inmates posed by COVID-19 constitute extraordinary and
16 compelling reasons for release.

17 IT IS THEREFORE ORDERED that defendant's motion to
18 reconsider (Docket No. 358) be, and the same hereby is, DENIED.

19 Dated: September 3, 2020



20 WILLIAM B. SHUBB
21 UNITED STATES DISTRICT JUDGE
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